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Attorney for Plaintiffs SEAN O'TOOLE,
KELLEY O'TOOLE, STEVEN DANIEL LEE,
JENNIFER LYNN CURTIS, and JACK FOSTER

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SEAN O'TOOLE, KELLEY O'TOOLE,
STEVEN DANIEL LEE, JENNIFER LYNN
CURTIS, and JACK FOSTER,

Plaintiffs,

vs.

CITY OF ANTIOCH, ANTIOCH POLICE
DEPARTMENT, JAMES HYDE CHIEF
OF ANTIOCH POLICE DEPARTMENT,
NORMAN WIELSCH, JOSHUA
VINCELET, JAMES WISECARVER JR.,
STEVEN AIELLO, MICHAEL McGARY,
AND DOES 1 - 20, inclusive,

Defendants

Case No. C 11-01502 PJH

STIPULATION AND ~~[PROPOSED]~~
ORDER CONTINUING THE HEARING
ON DEFENDANTS' MOTION TO
DISMISS

There is currently pending a hearing on Defendants' City of Antioch, Antioch Police Department, James Hyde, Joshua Vincelet, James Wisecarver, Jr., and Steen Aiello's Motion To Dismiss Claims Per FRCP 12(b)(6) set for June 22, 2011, at 9:00 a.m. before the Honorable Phyllis J. Hamilton.

The parties hereto, through counsel, hereby stipulate to continue the hearing on the above-named Defendants' Motion to Dismiss to July 27, 2011, at 9:00 a.m. before the Honorable Phyllis J. Hamilton. The continuance is sought by Plaintiff's counsel because counsel has a settlement conference in the matter of *Hernandez v. City of Napa*, United States District Court, Northern District of California case number 09-2782, set for June 22, 2011, at 10:00 a.m. in the

San Francisco District Court.

The parties further stipulate that the briefing schedule in the instant matter shall not be disturbed and Plaintiffs' opposition to the Motion shall remain due on or before June 1, 2011.

Any reply to the opposition must be filed on or before June 8, 2011.

Additionally, this case is set for a Case Management Conference on July 14, 2011, at 2:00 p.m. In light of the Stipulation to continue the hearing on Defendants' Motion to Dismiss, the parties further stipulate to continue the Case Management Conference to August 25, 2011, at 2:00 p.m.

LAW OFFICES OF TIM A. PORI

Dated: June 2, 2011

TIM A. PORI
Attorney for Plaintiffs

McNAMARA, NEY, BEATTY, SLATTERY,
BORGES & AMBACHER, LLP

Dated: June ___, 2011

JAMES V. FITZGERALD
Attorney for Defendants CITY OF ANTIOCH,
ANTIOCH POLICE DEPARTMENT, JAMES
HYDE, JOSHUA VINCELET, JAMES
WISECARVER, JR., STEVEN AIELLO

[PROPOSED] ORDER

Pursuant to the above Stipulation,

IT IS HEREBY ORDERED that the hearing on Defendants' Motion to Dismiss Claims Pursuant to FRCP 12(b)(6) is continued to July 27, 2011, at 9:00 a.m. before the Honorable Phyllis J. Hamilton.

IT IS FURTHER ORDERED that the Case Management Conference is continued to August 25, 2011, at 2:00 p.m.

Dated: June 10, 2011

JUDGE OF THE U.S.
DISTRICT COURT

